

CIVIL SOCIETY ORGANIZATIONS IN POST REVOLUTION EGYPT: SEARCH FOR IDENTITY

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ABSTRACT

“Civil society is the oxygen for democracy” said The United Nations Secretary-General Ban Ki-moon. Civil society organizations, here and after called CSOs, play an important role as one of the entrances of building democracy in societies which pursue democratization. By commitment to their assumed roles through performing advocacy and service provision actions, CSOs can establish a sort of integrity between the public and authority and facilitate demands satisfaction. The author argues that the Egyptian Civil society organizations, here and after called ECSOs, hardly do either of these actions. Although exogenous factors, for example, the tighten grip of the state, represent a big obstacle against ECSOs, the author argues that endogenous factors also play a significant role in disabling the ECSOs from assuming their roles in the Egyptian society. Therefore, what ECSOs really need is to search for their identity. Of course, ECSOs can’t only by themselves do this; consequently, some prospective recommendations are shown to select the best option. A qualitative research method is adopted to support the author’s argument.

KEYWORDS: CSOs-ECSOs-Advocacy Actions- Service Provision Actions- Strategic Thinking- Political and Legal Framework - Misperception of Roles - Organizational & Capacity - Financial Viability

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INTRODUCTION

Civil society Organizations (CSOs), currently, are defined as a diverse and ever-wider ecosystem of individuals, communities and organizations which constitute networks across physical and social division; these networks permit large number of people to collectively allocate and aggregate demands and address and confront societal challenges.¹ Civil society organizations are also defined “broadly as any organizations, whether formal or informal, that are not part of the apparatus of government, that do not distribute profits to their directors or operators, that are self-governing and in which participation is a matter of free choice. Both member-serving and public-serving organizations are included. Embraced within this definition, therefore, are private, not-for-profit health providers, schools, advocacy groups, social service agencies, anti-poverty groups, development agencies, professional associations, community-based organizations, unions, religious bodies, recreation organizations, cultural institutions, and many more.”² CSOs basically arise from failures of national States and markets to cover the full range of needs of the citizens resulting from these market failures, as demand is heterogeneous and the state is mainly efficient in providing homogeneous goods, but it is much less efficient in providing heterogeneous

¹ “The Future Role of Civil Society”, (January, 2013), World Economic Forum, p 6

² CSO Sustainability Index for The Middle East and North Africa (2012), p. 68.

goods and services.³In a study made by Johns Hopkins Center for Civil Society Studies, CSOs employing on average about 5.6% of the economically active population in 2005 (this figure can reach up to more than 10% in several developed countries), represents nearly 56 million full time equivalent, including both paid workers (58% of total) and volunteers (42% of total) which makes it one of the major sectors of the economy in terms of employment.

In Egypt, civil society has a long history which dates back to the 19th century. According to Egypt's Ministry of Social Solidarity, in December 2015, there were 45,000 NGOs registered under the country's NGO law, Law 84 of 2002, 10,201 of which were active.⁴Egypt's civil society evolved through five stages. The first inception of civil society in Egypt (1821-1881) came as a result of the changes that accompanied the modernization project at the beginning of the 19th century under the rule of Mohammad Ali, with the establishment of the Greek Society in Alexandria (1821). The colonial stage (1882-1922), Egypt's civil Society Organizations, ECSOs, confronted colonization in defense of the interests of the Egyptian citizens(trade unions (1898), the cooperatives (1908),political parties (1907), chambers of commerce (1910), professional associations (1912) and the feminist movement (1919). The liberal stage (1922-1952) manifested by the 1923 constitution, where ECSOs sought transparency and accountability of government, free elections, and rights for working class unions. The authoritarian state stage (1952-2011), where ECSOs started to face the tyranny of the state which imposed its authority on organizations of civil society and there was a marked imbalance between the authorities, as the executive authority assumed tremendous power over both the judiciary and the parliament.⁵ The post 25th of January Revolution stage, where there was a state of fluidity and uncertainty. Wrapped with the hopes of freedom of expression and associations, ECSOs were frustrated with the obscure and foggy future where the tighten grip of the state and complications synchronize. This stage is the core of discussion in this study.

ECSOs performed different types of actions, advocacy and service provision. Advocacy is a top-down approach which aims at influencing governmental authorities and impacting their policy and decision making processes towards societal concerns.⁶ Advocacy can take the form of counter-power actions and protests; this includes notably bringing issues to the agenda through awareness campaigns. A large number of advocacy CSOs associate themselves with the concept of democracy building which mainly focuses on creating citizens 'awareness and governance. Examples of advocacy ECSOs are Women's Associations, Youth Centers Associations, Human Rights Groups, Business Groups and Professional Syndicates. Service provision is a rather bottom-up approach it acts as a socio-economical agent by providing concrete services to the population, businesses or governments; this includes providing welfare services to the population, education, recreation, health, family etc.⁷ Examples of service provision ECSOs are Service Delivery Welfare Organizations, Environmental CSOs, Consumer Protection CSOs, Philanthropic Foundations and Cooperatives, etc.

Although civil society in Egypt has a long history and diversification; however, the civil society and its organizations are still in a premature stage. Moreover, even though, Egypt is currently witnessing a transitional stage with an increasing scope of freedom and democracy, ECSOs are still in a cage. This cage isn't only created by the external

³ Fabric, Desse,(2013), The Role and Structure of Civil Society Organizations in National and Global Governance Evolution and outlook between now and 2030, AUGUR Challenges for Europe in the world in 2030 Project no. SSH-CT-2009-244565 Collaborative Project, p5.

⁴CSO Sustainability Index for The Middle East and North Africa (2014/2015), p. 14

⁵ Hassan, Hamdy A., (2011), Civil Society in Egypt under the Mubarak Regime, Afro Asian Journal of Social Sciences Volume 2, No. 2.2 Quarter II, pp. 4-6.

⁶ Salamon, L. M. (2010). Putting the civil society sector on the economic map of the world, Ciriec International vol 81.

⁷Ibid.

political and legal environments where the ECSOs are working but, by internal cause relating to these organizations themselves as well. This study will shed light on a brief historical background about the civil society from the late 50s to the present and then it will identify and discuss the major internal and external challenges facing the ECSOs.

LITERATURE

Civil society organizations in Egypt, ECSOs, represent a field of interest to many scholars including the author. Some studies focus on the history of civil society's organizations in Egypt with a brief back ground about the diversification of Egypt's civil society organizations, *Civil Society in Egypt: A Literature Review* by Mahi Khallaf; this study aimed at identifying and document research conducted on civil society in Egypt during the past twenty years. Other studies talked about the authoritarian and repressive state's tactics and actions against the civil society under the previously mentioned authoritarian stage, *Repressing Egypt's Civil Society* by Jannis Grimm. Grimm argued that there was a lack of clarity on the boundaries of political activism and on what activists, the state would or wouldn't tolerate. Moreover, Grimm argued that state institutions and investigating bodies have increasingly abused their powers against civil society representatives; torture, arbitrary detention and enforced disappearances have become recurrent phenomena. Other studies talked about the restrictive legal frameworks; a study written by Walaa Ali Al-Behairy, *Civil Society and Legal Reform in Egypt* discussed the role of civil society in the legal reform in Egypt and whether this role was successful and effective or it was only confined to offering initiatives for reform. Moreover, this study described the map of civil society in Egypt by identifying the major ECSOs and the sectors where these ECSOs perform their functions. Besides, this study talked about the weak legislative environment which requires the intervention of the civil society to make the required reform. Other studies talked about the role of the civil society in motivating democratic transition in the Arab Spring countries. A study made by Francesco Cavatorta with a title: *Arab Spring: The Awakening of Civil Society, A General Overview*, discussed the role of civil society in motivating the change of the authoritarian regimes depending on three major elements, the youth factor, the means through which mobilization and activism took place and finally consolidation of a transnational Arab public opinion which enabled the quick spread of contagious ideas and waves of mobilization across the region. Other studies talked about the potentials that exist in civil society to manifest the consolidation of democratic transition. A study made by, Elmedni, Bakry with a title: *Civil Society and Democratic Transition* argued that in spite of the weak role of civil society in consolidating the democratic transition, the civil society still can play a major role when restrictions on it are released.

From the above mentioned studies, although it is apparent that each cluster of studies has its own perspective, but they form parts which constitute the whole as a cluster of studies talked about the history and diversification of civil society in Egypt, another cluster talked about the political restrictions, manifested in the repressive state, which preclude the civil society from performing its functions; another cluster talked about the restrictive legal framework and the required reform and finally another cluster talked about the role of civil society in democratic transition. Although this study sheds light on some of these aspects; however it differs as it adds another aspect which relate to the ability of ECSOs to perceive their role in society and hence fulfill their required obligations.

RESEARCH METHOD

Concerning the appropriate research method, the researcher thought to adopt the quantitative method and use questionnaires to be in direct contact with the stakeholders, the public and ECSOs. However, by asking some people about the ECSOs, they confirmed that they don't know these organizations and they hardly hear about them except on media and

talk shows but in reality they don't. Therefore, to circulate questionnaires about the ECSOs would be useless and wouldn't help in collecting accurate information. So the researcher uses the qualitative method which is more helpful in collecting information about the ECSOs and restrictions precluding them from assuming their roles in the Egyptian society. The qualitative method will help answering the core question of the research: what are the major impediments which hinder ECSOs from effectively assuming their roles and performing their functions in Egypt? These impediments are represented as independent variables; these are restrictive political and legal framework, misperception of roles and lack of institutional capacity and the dependent variable is the ineffectiveness of the ECSOs in assuming their roles. To collect the required data, three methods are used field notes, audio (and sometimes video) recordings, transcripts and authenticated documents and statistics published by the Ministry of social solidarity. Study design is iterative, that is, data collection and research questions are adjusted according to what is learned. The following model shows clearly these impediments, independent variables and the resulted ineffectiveness of the ECSOs, the dependent variable.

Independent Variables

Dependent Variable

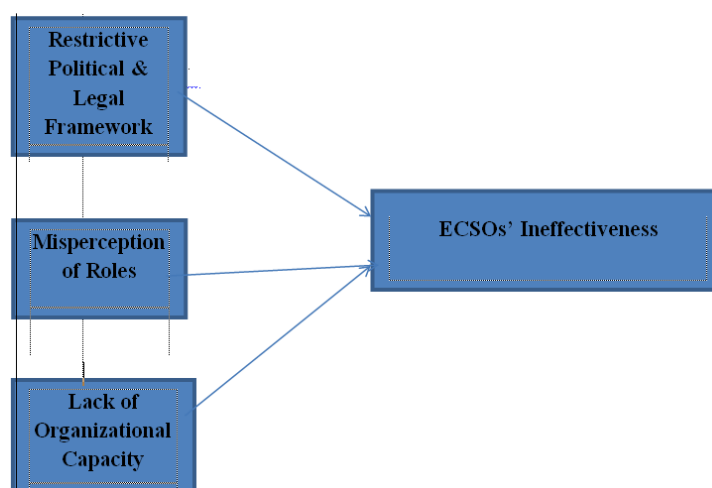


Figure 1

Research Type

This research is a mixture of explanatory and causal research. Explanatory research aims to identify the link between causes and associated and relevant results; in this study the impediments faced by the ECSOs and the resulted inability to assume their roles and fulfill their obligations effectively. Causal researches play an instrumental role in terms of identifying reasons behind a wide range of processes, as well as, assessing the impacts of changes on existing norms and processes, etc. in other words causal research clarifies the correlations between interrelated variables, the independent and dependent variables. In this study, the causal research delineate the correlation between the three independent variables, restrictive political and legal framework, misperception of roles and lack of institutional capacity and the dependent variable is the ineffectiveness of the ECSOs in assuming their roles.

OVERVIEW OF ECSOS PRIOR TO THE 25TH OF JANUARY REVOLUTION

Egypt has been ruled by emergency law for about five decades; since the 1952 revolution, basic civil liberties

were barred and curbed and freedom of association has been limited to the ruling party.⁸The Free Officers Movement took over power and the regime monopolized all political activities and suppressed all forms of opposition, secular and religious and promulgated a law banning all political parties; the Arab Socialist Union (ASU) was the sole, legitimate political party. Although, Nasser promised to liberalize all political structures and institutions, as evident in the declaration of March 30, 1968, Nasser extremely curtailed all civil liberties during his rule.⁹

Sadat's rule represented a qualitative shift from his predecessor's perspective. Sadat tried to legitimize his rule by raising three slogans, the rule of law, state of institutions and political freedoms. In March 1976 Sadat decided to allow the establishment of three political forums within the framework of the ASU, to represent the right, center and left and to transform these forums into political parties. Moreover, in 1978, other three parties were established: The New Wafd Party, the National Democratic Party, which was established by Sadat to replace Egypt's ruling ASU, and the Socialist Labour Party. Although, these developments were taken, Sadat would never leave them out of his control. Moreover some restrictive measures were taken after the 1977 food riots and demonstrations due to Sadat's economic policies concerning elevating of subsidies. Other measures were also taken against the opposition after concluding peace treaty with Israel, for example curtailing the right to form political parties, banning communist and religious associations and arresting and detaining all opposition leaders and journalists from right and left in the notorious September 1981 crackdown.¹⁰

Mubarak's didn't differ from Sadat; however, more restrictive measures were adopted. Pretending to move from authoritarianism to democratization, Mubarak started by releasing political prisoners and initiated a call for reconciliation among polarized political factions. However, oriented to consolidate his rule, fake political pluralism which flourished during the early years of Mubarak's rule witnessed its demise. The persisting one dominant party system, inefficiency in solving Egypt's economic problems and the non-rotation of authority, the decreasing presentation of the opposition, the political and administrative corruption and the continuous detention of the oppositionists created a curtailed and paralyzed environment for the civil society to flourish. While Mubarak regime tolerated syndicates, unions, business associations and service-based organizations, it continued to harass pro-democracy actors like human rights organizations and non-religious social movements, regularly accusing them of being agents of foreign regimes or "spies" seeking to destroy the Egyptian state. Two of the most famous defaming and arbitrary arrests and detention cases were against directors of human rights organizations in 1998 and 2000. In 2007, the state dissolved the Human Rights Association for Legal Aid, allegedly for receiving aid from foreign associations without the consent of the Ministry of Social Solidarity. In 2009, officials from the Ministry threatened to dissolve the Egyptian Organization for Human Rights for receiving illegal funds. Due to these defamatory campaigns in the state media, Egyptian public opinion has by and large been suspicious about human rights organizations.¹¹

After the ouster of Mubarak, Egypt and other many countries in the MENA region started the process of political reform due to the Arab Spring waves. Following the events of the Arab Spring in 2011, which affected the sustainability of civil society organizations, the revolution of January 2011 resulted in the fall of the Mubarak regime and Egypt witnessed the first competitive presidential elections through which Mohammed Morsi came to power in June 2012. The political

⁸Kassem, M. (2004). *Egyptian Politics: The Dynamics of Authoritarian Rule*. Boulder, Colorado: Lynne Rienner Publishers, Inc.

⁹ Hassan, Hamdy, A., (2010), State versus society in Egypt: Consolidating democracy or upgrading autocracy, *African Journal of Political Science and International Relations* Vol. 4(9), pp.320

¹⁰Ibid, p 322.

¹¹Sika, Nadine, (2012), *Civil Society and Democratization in Egypt: The Road Not Yet Traveled*, <http://muftah.org/>, p 2.

developments in the country over the past few years and in particular the January revolution 2011 had a profound impact on civil society organizations. In December 2011, the State Security apparatus cracked down on civil society institutions, mainly human rights organizations and international foundations, contending that they pose a national security threat to the Egyptian state. The timing of the crackdowns, almost one year after the revolution, is a clear indicator that civil society actors' optimism for a democratic transition is becoming no more than a mirage. The governing elite, especially the Supreme Council of the Armed Forces (SCAF) – which holds the highest executive powers in the interim – is not willing to advance a real democratization process, which expands the public sphere for more liberties, equality, free and fair elections, and the due process of law. During 2012, civil society organizations, especially those that deal with democracy and governance issues, faced significant challenges, accusations of treachery and orientations to destroy the country's security.¹² At the same time, state-run media institutions launched campaigns against human rights organizations and their employees, accusing them of committing different political crimes. In 2013, the situation in Egypt was flagrant; Cairo court convicted three and forty people from Foreign non-governmental organizations, the organizations work primarily in the areas of democracy and human rights, claiming that their work was without permits and receiving foreign funding without prior permission from the state.¹³ Under the rule of Mohamed Morsi, the Muslim Brothers president, conditions of the civil society got worse and worse; the yesterday allies became today's enemies. ECSOs and the Muslim Brotherhood Movement allied and cooperated to mobilize Egyptians through raising slogans which combined both economic and political rights such as bread, freedom, social justice. Due to different ideological bases, the Muslim Brothers rejected the ECSOs as secular institutions which will preclude the establishment of the religious state. The Muslim Brothers were willing to undergo a process of ideological and organizational transformation which undermined the group's democratic potential. Little attention was paid to the role of civil society and communal self-empowerment except as a supplement to the Brotherhood's real goal of taking over the existing political order. Scarce attention was paid to contextualizing vague ideas about a broader Islamic project.¹⁴

Although the ECSOs developed in quality and quantity over a long period of time, the bilateral dichotomy governing the relationship between the civil society and the state, has remained unchanged since the Nasserite period, despite the change in political systems, succession of political regimes, and a change in legal framework governing civil society. That philosophy was based on the State's continuous effort to control civil society and restrict its autonomy.¹⁵

With the toppling of Mohamed Morsi by the mass revolution on the 30th of June 2013, a new Road Map was drawn. Hopes of democracy and institutionalism wrapped this map. Moreover, a new modified constitution paved the way for containment of all associations and fractions except fractions banned by law. For example, article (75) which states that "Citizens have the right to form non-governmental organizations and institutions on a democratic basis, which shall acquire legal personality upon notification. They shall be allowed to engage in activities freely. Administrative agencies shall not interfere in the affairs of such organizations; dissolve them, their board of directors, or their board of trustees except by a judicial ruling. The establishment or continuation of non-governmental organizations and institutions whose structure and

¹² Report of Self-sustainability of civil society organizations for the year 2012 for the Middle East and North Africa, United States Agency for International Development, pp. 5-7

¹³ Report of Self-sustainability of civil society organizations for the year 2013 for the Middle East and North Africa, United States Agency for International Development, p 5

¹⁴ El-Sherif, Ashraf, (2014), The Egyptian Muslim Brotherhood's Failures, Carnegie Endowment for International Peace, p 13.

¹⁵ Aly, Howaida, (2013), Civil Society in Egypt Towards a Strategic Vision, <http://ceoss-eg.org>, p 2.

activities are operated and conducted in secret, or which possess a military or quasi-military character are forbidden, as regulated by law”.¹⁶ Moreover, article (76) which organize the right to form syndicates states that “The establishment of federations and syndicates on a democratic basis is a right guaranteed by law. Such federations and syndicates will possess legal personality, be able to practice their activities freely, contribute to improving the skills of its members, defend their rights and protect their interests. The state guarantees the independence of all federations and syndicates. The boards of directors thereof may only be dissolved by a judicial ruling. Syndicates may not be established within governmental bodies.”¹⁷ Besides article (77) which is concerned with the establishment of trade unions states that “The law shall regulate the establishment and administration of professional syndicates on a democratic basis, guarantee their independence, and specify their resources and the way members are recorded and held accountable for their behavior while performing their professional activities, according to ethical codes of moral and professional conduct. No profession may establish more than one syndicate. Receivership may not be imposed nor may administrative bodies intervene in the affairs of such syndicates, and their boards of directors may only be dissolved by a judicial ruling. All legislation pertaining to a given profession shall be submitted to the relevant syndicate for consultation”. These measures revived the civil society’s hopes towards political activism and participation in the democratic transition of Egypt.”¹⁸

Flourishing of CSOs, in any society, is based on a convenient, supportive, and institutional legal system and environment, as well as a balanced and cooperative relationship between state institutions and civil society. This was not the case throughout the history of Egyptian civil society. In spite of some democratic breakthroughs, ECSOs remained confined in a sick and deformed relationship with the State. This has been manifested by an absence of supportive and fostering laws as well as an institutional environment that accepts civil society as a principal partner. Moreover, what exacerbated the problem is the inability of most of the ECSOs to perceive their real message and their expected roles. Besides, the ECSOs lacked the institutional capacity to perform a sustainable role in the prosperity and well-functioning of the Egyptian society. The researcher, in the following parts, is going to discuss the major difficulties which hinder the ECSOs to obtain its objective, find their identity.

DIFFICULTIES FACING THE ECSOS

No doubt that the state and its apparatus play an important role in either motivating or demotivating the CSOs in any society. Democratic societies represent a fertile environment for these organizations because unlimited scope of freedom is allowed to them with full support, justice and transparency. State institutions cooperate and coordinate with these CSO; both of them have a unified goal, the development and welfare of society. CSOs are viewed by these societies as democracy consolidating agents which endorse and manifest that a reversal to authoritarianism is impossible. CSOs help consolidate democracy in various ways. As Diamond points out, CSOs play a role in checking, monitoring and restraining the exercise of power by the state and holding it accountable; it can force the government to be more accountable, transparent, and responsive to the public, which strengthens its legitimacy. CSOs can play a vital role in making the elites and the mass public more committed to democracy by disseminating democratic principles and ideas; they motivate political participation through political mobilization and they can supplement the role of political parties in encouraging people to get involved in politics, especially as voters in elections. CSOs perform the function of representing the interests,

¹⁶ Egypt Constitution (2014). <https://www.constituteproject.org>

¹⁷ Ibid.

¹⁸ Ibid.

asserting the rights and power of the people and training future political leaders.¹⁹

In Asia, many success stories of CSOs in motivating and consolidating democracy demonstrate the indispensable role of the CSOs, notably The Philippines, South Korea, Indonesia, and Thailand. They generated political pressure for reform, leading to the liberalizing of political systems and eventually bringing down dictatorial regimes. For example, In the Philippines, democratization occurred within harsh economic conditions. Democratic consciousness and CSOs' influences that had been firmly ingrained in the Philippine public helped bring down the dictatorial rule of Ferdinand Marcos. The mobilization of a large number of citizens to reclaim the stolen 1986 election through the National Citizens Movement for Free Elections (NAMFREL), set up to monitor the election forced Marcos out of power. Without NAMFREL's strength, Marcos's massive election fraud would not have been documented and publicized and the mobilization would not have been possible.²⁰ In addition, the strength of civil society helped maintain democratic rule throughout the term of President Corazon Aquino, who survived several coup attempts. Civil society showed its power and influence in the successful campaign to topple Joseph Estrada for corruption.²¹ In South Korea, the role of civil society in fostering democratic transition was reflected in a series of student and worker demonstrations against authoritarian rule and demanding liberalization and democratization during the latter part of the 1980s. The mobilization of a civil society coalition of student and labor organizations, journalists, writers, academics, religious groups, and peasants against the authoritarian regime of Chun Doo-Hwan weakened his rule. In Thailand, the economic success of the 1980s and early 1990s gave strength to the middle class and led to demands for more openness, political liberalization and democratization. CSOs launched campaigns for political reform and a new constitution; an organization called Pollwatch was set up in 1992 by then Prime Minister Anand Panyarachun to monitor elections and captured public support. Eventually, the new Constitution was promulgated in October 1997, marking a significant step toward political reform and democratic transformation. In Indonesia, democratic transition was accessible through socio-economic changes that encompassed the rise of the middle class and the expansion of civil society. Economic growth in Indonesia during the Suharto era endorsed plurality in society, making political monopoly by those in power impossible; this plurality was characterized by the rise of civil society organizations, the growth of ethnic groups and public consciousness.²²

The previously mentioned success stories showed to a large extent that CSOs can play an effective role in the democratic transition process. Under authoritarian regimes, CSOs in The Philippines, South Korea, Indonesia, and Thailand managed to initiate democratization. This seems more difficult than participating in democratic transition process in countries which witnessed a wave of democratization, the Arab Spring countries. Of course people in these countries hoped for a great deal of democratization or that democratic transition follow the right track. Besides, they put a great deal of hope on CSOs and political parties and other concerned organizations to endorse and maintain the democratization process; however, they were disappointed. What went wrong? What are the major causes behind the failure of ECSOs to achieve these objectives? Answers to these questions will be revealed in the following parts.

According to the CSO Sustainability Index for The Middle East and North Africa (2015), Egypt's general CSO sustainability, which remained stable in 2014 and declined in 2015, kept on being the most minimal in the MENA Region

¹⁹ Larry Diamond, *Development Democracy: Toward Consolidation*, Baltimore: The Johns Hopkins University Press, 1999, p. 218.

²⁰ *Ibid*, p. 235

²¹ Bunbongkarn, Suchit, (2002), *The Role of Civil Society in Democratic Consolidation in Asia*, <http://apcss.org>, p 139.

²² Emerson, Donald, (1999), *A Tale of Three Countries* Journal of Democracy, p. 38.

in both years, falling inside the Sustainability Impeded classification. The Egyptian CSO division works inside the most choking lawful environment of the seven nations studied, a situation that intensified in both 2014 and 2015 as the government presented cruel new confinements. Egyptian CSOs also grapple with weak financial viability and a negative public image, as well as limited advocacy capacity.²³

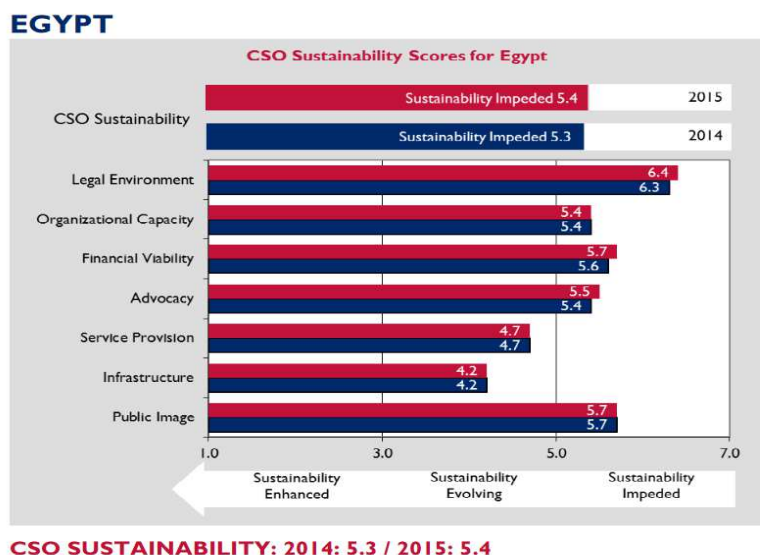


Figure 2

Source: THE 2014/2015 CSO SUSTAINABILITY INDEX FOR THE MIDDLE EAST AND NORTH AFRICA

Egypt achieved critical political benchmarks in 2014 furthermore, 2015 started with general society endorsement of another constitution in January 2014 and closing with elections for Egypt's new parliament in the last months of 2015. In the absence of a governing body amid this period, interim President Adly Mansour and then President Abdel Fattah El-Sisi held legislative and also executive power, and together issued more than 350 laws by decrees. As indicated by CSOs and other watchdog organizations, a large portion of these laws negated articles of the new constitution, including arrangements ensuring singular rights and flexibilities. Civil society in Egypt was liable to extraordinary limitations amid 2014 and 2015.

Restrictive Political and Legal Framework

Flourishing of civil society, in any community, is identified with an advantageous, steady, and institutional legitimate framework and environment, and in addition an adjusted and agreeable relationship between state institutions and civil society. This has never happened in the historical backdrop of Egyptian civil society. Despite the fact that there have been stages that can be viewed as democratic throughout, civil society stayed inside the limits of a debilitated and distorted association with the State. This has been reflected by an absence of steady and encouraging laws and also an institutional domain that acknowledges civil society as a primary accomplice.²⁴ Politically speaking, as previously mentioned, before the 25th of January Revolution, the relationship between the ECSOs and the state was never at ease. This uncomfortable relationship continued after the revolution. Both state and ECSOs confront a troublesome decision about whether they ought to seek cooperation or separation between each other. This consideration/avoidance quandary is a typical element of state-society relations. A methodology of consideration or co-optation may fortify the seen authenticity

²³ CSO Sustainability Index for The Middle East and North Africa, *ibid*, p. 9

²⁴ Aly, Howaida, *ibid*. pp 2-3.

of the legislature, however can make new social divisions and point of confinement the countervailing forces of ECSOs, particularly if specific. Avoidance, on the other hand, may make new state-society divisions and restrict the development of a new institutional structure.²⁵ The Supreme Council of the Armed Forces (SCAF), very anxious about the Egyptian state security and afraid of the foreign intervention in the internal affairs of Egypt, tightened the scope of freedom for the ECSOs through three main channels: legal action against ECSOs, increased delays in approving ECSOs registration and project proposals, and a public campaign to fuel paranoia and fear about international influence on ECSOs. Under the rule of The Muslim brotherhood President Mohammed Morsi, although he supported immediate lifting of restrictions on the establishment and registration of ECSOs; but, the months he spent in power witnessed a number of legislations and measures that undermined the rule of law in Egypt and severely violated rights and freedoms. Mohammed Morsi issued on 22 November a new Constitutional Declaration granting his decrees and laws immunity from judicial review. After the toppling of Morsi, Large number of ECSOs revealed that their status has not been changed since June 2014. In addition to the recent crackdown on human rights and political activism, the current government has not taken any steps towards more rights and freedoms for civil society organisations. Many hoped that the government realized that the relationship between the state and civil society is one of integration, inter-dependence, and a distribution of roles and not a relationship of contradiction and enmity; the status quo shows that the relationship is a struggle not cooperation oriented relationship. Besides, State pursues either to repress the ECSOs adopting political stances against state policies or to tame and co-opt other organizations and transform them into tools to control the civil society. In both cases, whether the State chooses to struggle with civil society or tame it, civil society remains absent as a principal partner in the process of social and political change.²⁶

Concerning the legal framework, although the 2014 Constitution determined the rights of ECSOs, including Civil Associations, Syndicates and Trade Unions in its sequent articles (75), (76) and (77); however, the legal environment for civil society consistently declined in 2014 and 2015. This period was set apart by expanded control of the law to constrain NGOs, federations, and independent trade unions, compelling their operations and undermining their self-governance. Moreover, the laws derived from these articles and approved by the House of Representatives were criticized as restrictive and insufficient by a large number of the ECSOs.

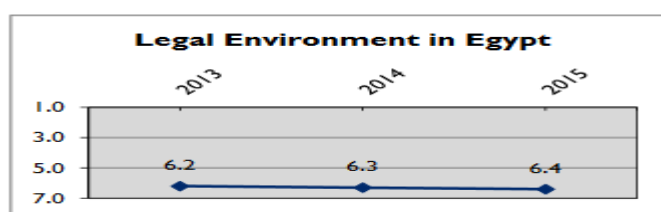


Figure 3

Source: CSO SUSTAINABILITY INDEX FOR THE MIDDLE EAST AND NORTH AFRICA (2014/2015)²⁷

A lot of recommendations were given by the concerned parties for the proposed law, for example, cancellation of provisions of the law that support the control of administrative body on civic activity, considering the proportionality

²⁵ John S. Dryzek (1996), "Political Inclusion and the Dynamics of Democratization", *American Political Science Review*, vol. 90, no. 1, pp. 475-487.

²⁶ Aly, Howaida, *ibid.* pp 2-3.

²⁷ The CSO Sustainability Index uses a seven-point scale to facilitate comparisons to the Freedom House indices, with 1 representing the highest and 7 the lowest level of sustainability.

between the size of the associations and the goal and geographical scope upon which the association is based and cancellation of provisions that restrict the formation of associations and constitute the Council of the General Union of Societies Management elected from among the members of the regional associations and central quality federations and associations.²⁸ Other recommendations include issuance of legal regulation that reduces the required legal procedures for establishing associations and institutions, unites between directorates in various Egyptian governorates, and applies correct application of law once it is released to achieve balance in the planning and implementation of development and transfer to different regions in Egypt.²⁹ However the approved law by the House of Representatives in November 2016 concerning civic associations was disappointing for the ECSOS. In mid-November 2016, the House of Representatives approved the ECSOS law regulating the work of those associations and institutions working in the field of civil work. This law encompasses 89 articles in which the legislator selected the working mechanisms and ways of financing ECSOSs, as well as sanctions against those who violate the law to receive funds from abroad. On the international level, Sarah Leah Whitson, director of Human Rights Watch's Middle East and North Africa, said if this law is passed it would be a big mistake to say that Egypt allow ECSOSs to operate as they are all going to be under the control of the security services. The new law drafted by Egypt's parliament would effectively prohibit independent non-governmental groups in the country by subjecting their work and funding to control by government authorities, including powerful security agencies. The organization called president Abdel- Fattah El-Sisi not to ratify it and recommended that the government provide another bill participate in the developed independent civil associations.³⁰

On the national level, in their response to the newly enacted law a number of political parties, including the Egyptian Social Democratic Party and the Popular Socialist and constitutional Alliance and 22 ECSOs expressed deep indignation and rejection of the law. The Egyptian Organization for Human Rights proposed to the Ministry of Social Solidarity some recommendations on the law of civil associations. The organization said, the law turned out to be quite different from the project prepared by the Working National Committee in 2014, which had a membership of civil society organizations, and bodies' representatives, and various government ministries, as the current text of the law confiscates many rights of civil associations. Moreover, the law is a duplicate of the ECSOSs law No. 84 of 2002, imposing more restrictions on civil work in Egypt, by giving wide powers to the administrative body to restrain either in activities or funding sources. Therefore the law is rejected for the following reasons: first, the text of the law, in implementation of the provisions of Article 75 of the Constitution, stated that the registration of associations occurs upon notification; however, the following provisions of this law make the registration process cumbersome and subject to a large extent to the discretion of the government and that the civil society organizations and ECSOSs need to submit multiple documents along with the notification. Also, the text of law states that the Ministry of Social Solidarity will have thirty days to reject the registration of the CSO mentioning the causes behind rejection if documents are incomplete or if the ministry considered one of the organization's goals is illegal, under the Penal Code Punitive or any other law, then the Organization has sixty days to amend its rules of procedure, and to provide additional information, or to appeal the decision to the Administrative Court of the Judiciary. In spite of the opportunity to appeal to these provisions, this appeal takes a long time before the courts and this emptied notification of content. Therefore, the notification process makes these items virtually identical to

²⁸ El Boraai, Negad, (2012), Towards a Better Civil Society, Policy Papers, pp. 4-5 <http://www.oneworld-eg.org>

²⁹ Towards a Better Civil Society (2016) Al Mahrousa Center for Socioeconomic Development, <http://elmahrousacenter.org>

³⁰ Egypt: Draft Law Bans Independent Civil Society Groups Would Put Organizations Under Security Agencies' Control, <https://www.hrw.org>

what is stipulated in Law No. 84 of 2002 which requires ECSOs to get the approval of the Ministry for registration. In addition, Article (4) granted the competent authority the right to determine whether or not the notification took place correctly, in violation of the provisions of Article 75 of the Constitution, which allows the establishment upon notification.³¹ Second, the prohibition of political activity for ECSOs: the law confines, in article (1), the working of ECSOs to the areas of development of the individual or the community to achieve their demands and expand the ability to participate in public life or sustainable development. This means that organizations working in the field of human rights are excluded or at least restricted and for the ECSOs to carry out any activities, they require prior permission from the government. Besides, this text bans ECSOs from practicing political activities absolutely which implicitly means demotivation citizens to political participation and prevent the ECSOs from monitoring elections which is a political action in nature. Third, increasing regulatory authorities: in Article (18), the law opens the way for excessive governmental intervention in many aspects of the internal affairs of the ECSOs as it allows the representatives of the Ministry of Solidarity to enter the offices of ECSOs to monitor all aspects of their activities, examine the financial and administrative records and "oversight" on their affairs and to object and withdraw any decision if interpreted as violating the law or the internal regulations of the ECSOs. Moreover, Article (48), provided for the formation of a committee by a decision of the Prime Minister, with a membership of eight parties, the "Ministry of Foreign Affairs, Ministry of Justice, the Vice President of the State Council, the Ministry of Interior, the Ministry of International Cooperation, Ministry of Social Solidarity, national Security and the Central Bank, where the committee should be formed from three concerned parties, the Ministry of solidarity The Ministry of international cooperation, and the central bank. Besides, this committee will decide on the applications for renewal, modification or canceling, which is a restriction on the freedom to establish and association in breach of Article (75) of the Constitution, which stipulates establishment upon notification. Fourth, increasing restrictions on the funds received from abroad: The bill restricts the Egyptian civil society organizations, in terms of access to funding sources, either foreign or domestic, where Article (13) states that in the event that the ECSOs wanted to get financing, grants and donations from Egyptians living in Egypt, it shall notify the Ministry of Social Solidarity thirty days before receiving the funds. In addition, Article (48) of the law, the third provision states the need to obtain permission from the committee formed by decision of the Prime Minister in order to receive funding from abroad, whatever their nature, which is a restriction on the associations in receipt of funds where the committee can block the activity of ECSOs, if the committee wished to prevent making statements to obtain funds from abroad or representatives of foreign parties at home. Last and not least, restrict associations and institutions to open branches and the headquarters in the governorates: The text of the law in Article (12) states that "No association may open a headquarter or a subsidiary with offices in any of the provinces of the republic, subject to its direct supervision, to direct and implement its various activities, only after the approval of the competent minister, explaining the title of this office and the nature of the targeted activity and the director in charge of activity, which is an unjustifiable intrusion by the administrative body in the activity of ECSOs, restraining their roles and place restrictions on opening branches in the governorates. Besides, Article (33), provides that failing to notify the ministry to move to the new headquarters, which prevents the supervision of the ministry of its activities, or crimes related to the misuse of public funds, entitles the ministry to remove the Board of Directors and the appointment of an interim board, and also articles (24) and (25) provide that the Ministry can re-consider the appointment of any of the members of the new

³¹ Abo Saeda, Hafez, (2016), Recommendations "Egyptian human rights" on the draft NGO law, <http://www.elwatannews.com/news>

Board of Directors proposed by the organization and ruled out that it deems unfit to run.³²

From the above mentioned restrictions, the ECSOs renewed its demands to the Egyptian government to review and modify its ECSOS proposed law, and propose a new law on associations in line with international covenants and conventions, including guarantees the right to assemble and organize, and that the registration of associations and civil institutions occur only upon notification of the administrative body without the need for prior authorization, the launch of the freedom of associations and organizations at work in all fields and areas of economic, social, professional, cultural, intellectual and political activities of public and non-partisan activities, the abolition of the administrative body and the authorities responsible for the inspection of the documents and entering the headquarters of associations by their employees without notice and work to uphold and to consider the General Assembly as the sole authority within the organization and identify its activity, systems and decisions to be decisive and the prohibition of resolving associations and institutions or stop the activity by the administrative body but from the jurisdiction of the judiciary, and the rule which exhausted all the remedies to it.³³

Misperception of Roles

CSOs in any society play numerous and various roles, supporting the role of the state in the service provision aspect, defending rights and building and consolidate democracy in the advocacy aspect. These roles must be clear and well perceived by the CSOs. However, ECSOs suffer from misperception and ambiguity of should-be assumed roles. An essential cause for the misperception of roles is the lack of strategic thinking and absence of strategic planning.³⁴ Strategic thinking seeks to discover competitive strategies to position the organization significantly differently from the present. Thinking strategically is a prior step to strategic planning. Strategic planning is the cornerstone of every common-interest community; it details tactics to be taken to achieve goals and objectives. Strategic thinking is a thinking that contributes to broad, general, overarching concepts that focus the future direction of an organization based on anticipated environmental conditions.³⁵ Strategic thinking implies concrete visions on a number of issues related to the building of a new social contract between the state and society. For example, the ECSOs don't have a clear vision about should-be social contract between them and the state and consequently, there is a sort of overlapping in their roles, the absence of vivid objectives that are sought to be achieved and the tactics and actions required to achieve these objectives.

In Egypt, ECSOs rarely exercise strategic thinking. One of the general features of the consensus around civil society or ECSOs is the absence of vision or the clear confusion between political action and the civic action on behalf of an important sector of the advocacy ECSOs (especially human rights and some development organizations). The concentration of industry organizations on human rights issues does not mean politicization of the civic action; nevertheless, politicization means taking yards of some of these organizations as "platforms" of political opposition, and giving political attribute and its conflict with the state on issues or topics that may not be political. An example of the first model are dozens of ECSOs that work as a political parties defending a particular religious currents (the Muslim Brotherhood and Salafi currents group), in the internal or external arena. Other models try to maintain the organization's independence and freedoms, rejects to re-adjust their positions in order to operate as a non-profit organization aimed at

³² Ibid.

³³ Ibid.

³⁴ Ibid.

³⁵ Ellen Goldman, Terrence Cahill, Rubens Filho, and Laurence Merlis, (2010) "Experiences That Develop the Ability to Think Strategically," *Journal of Healthcare Management* 54, no. 6:p. 406.

public benefit, according to the law of associations (No. 84 of 2002).³⁶ Moreover, the tendency of some of them, in their conflict with the state about the law, to resort to foreign parties to exert a sort of pressure on the Egyptian state holding interviews with international figures (including the Secretary-General of the United Nations in November 2014), or to participate in the International Council on Human Rights meeting, issuing statements accusing the Egyptian authorities "to undermine the independence of the civil society organizations and the application of the Civil Societies Act. Thus, the conflict between the parties, the state and a group of civil society organizations, primarily based on the concept of control and accounting (which touches foreign funding mainly) are politically employed inside and outside Egypt."³⁷

The absence of strategic thinking didn't only cause confusion about should be assumed roles on behalf of the ECSOs; however, it affected, to a large extent, their level of performance in their previously mentioned types of actions, advocacy and service provision. In terms of advocacy, before and amid the revolution, ECSOs had constrained effect on arrangement and correspondence amongst ECSOs and policymakers was restricted because of an absence of advocacy capacity. Proficient associations and unions for the most part have preferred access to government authorities over different sorts of ECSOs. For the most part, ECSOs are not forestalled from pushing for specific activities, yet are banished from taking an interest in any semi political exercises.³⁸ Human rights coalitions and gatherings that secure the privileges of HIV-positive populaces have accomplished eminent outcomes in the course of recent years through their advocacy campaigns. Numerous new revolutionary groups, coalitions, and advisory groups were framed amid the January 25th revolution and, alongside built up CSOs, are voicing their attentiveness toward the future of Egypt. For instance, women's associations are upholding for women's representation in the new constitution and the right of women to settle on their own decisions with respect to their families and expert lives. Likewise, a number of labor unions are pushing for better wages and workplaces for their constituencies. It is too soon to survey the degree to which these campaigning and promotion endeavors will convert into legislative or policy change. Amid 2011 parliamentary elections, ECSOs were utilized for political purposes. For instance, a few candidates utilized their own magnanimous associations or shaped affiliations with prevalent existing associations for motivations behind self-advancement.³⁹

ECSOs advocacy activities tended to an assortment of issues in 2012. ECSOs are often involved in advocacy activities focusing on both decision makers and grassroots voting demographics to accomplish their objectives. After the January 2011 revolution, ECSOs could communicate with different divisions of society. Nevertheless, ECSOs still face impediments including an absence of organizational sustainability and restricted effect on the government, when participating in advocacy campaigns or lobbying endeavors. Moreover, the first parliament after the 2011 revolution was dissolved by the Supreme Constitutional Court in mid-2012, eradicating the pursued objective of advocacy campaign.⁴⁰ During the first months of the year 2013, advocacy encompassing public demonstrations across the nation prompted to the removing of President Morsi in late June 2013 that Tamarud Movement launched a popular petition campaign calling rally in the boulevards on June 30 in support of Morsi's venturing down and holding early elections. ECSOs sorted out a few backing effort encompassing the draft constitution and new draft laws too. One campaign expected to wipe out the proposed protected article accommodating military trial of regular citizens. Despite the fact that the

³⁶ Kandil, Amany, (2014), Transformations in The Structure and Function: Civil Society After The Revolutions in Egypt., Arab Center For Researches and studies, p. 5.

³⁷ Ibid.

³⁸ CSO Sustainability Index for The Middle East and North Africa (2011), p. 13.

³⁹ Ibid.

⁴⁰ CSO Sustainability Index for The Middle East and North Africa (2012), p. 19.

campaign failed to take out this article, it succeeded with regards to enhancing the arrangement marginally by elucidating when civilians could be attempted in military courts. Human rights CSOs additionally had some constrained achievement when working with government and development CSOs on issues like female genital mutilation (FGM), torment, and early marriage. At the grassroots level, ECSOs were more fruitful when their promotion endeavors were associated with service provision and development issues focusing on specific populaces.⁴¹ The environment for ECSO support turned out to be progressively compelled in 2014 and 2015, reducing advocacy endeavors accordingly. In both years, government took prohibitive measures that demotivated advocacy, and public proclamations by authorities fortified the message that the government would not welcome dissenting views from ECSOs. In 2014, the government likewise declined to pull back or revise a prohibitive law on exhibits and challenges which kept on serving as reason for detaining many rights advocates. In mid-2015, the government adopted a counterterrorism enactment that contained potential requirements on expression and support, for example, drawing on an expansive meaning of terrorist acts.⁴²

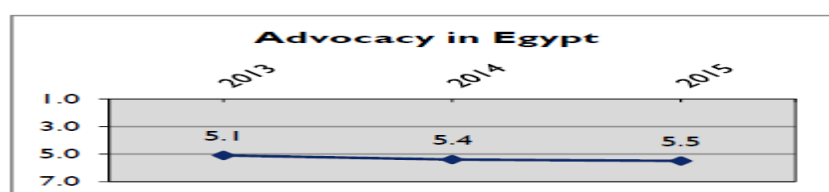


Figure 4

Source: CSO SUSTAINABILITY INDEX FOR THE MIDDLE EAST AND NORTH AFRICA(2014/2015)

With regards to service provision, the situation of ECSOs wasn't as bad as the situation in advocacy activities; however, most of the ECSOs used it as apolitical manipulation tool for co-optation and mobilization of public for the ECSOs' interests. A few religious based groups, such as the Muslim Brotherhood, are not formally enrolled as NGOs or CSOs but rather give philanthropy and different services, for example, sustenance, garments, wellbeing, and instructive administrations to low-salary groups through their individuals and other casual channels. As the Muslim Brotherhood and other religious groups, for example, the Salafis, build up political parties, there are developing worries that their activities are being utilized to increase political support. CSOs deliver services and direct financial assistance in ranges of social improvement, for example, women's empowerment, street youngsters' needs, life aptitudes for youth, education programs social, scholastic, and religious exercises and are regularly more compelling than the state. While the majority of these associations enhance the prosperity of nationals through direct financial assistance, they are less effective in cultivating manageable improvement that enables communities to accommodate themselves. Usually, this assistance suddenly ceases when funding stops. A major deficiency in service provision is that the ECSOs which directly deliver financial support rarely conduct requirements assessments and assume that the needs of the constituencies are serious enough to make service provision compulsory.⁴³ CSOs principally depend on community information to distinguish the requirements and needs of the populaces they serve. It is uncommon for CSOs to do thorough appraisals or reviews before giving administrations, unless they are part of a contributor funded venture.⁴⁴

⁴¹ CSO Sustainability Index for The Middle East and North Africa (2013), pp. 13-14.

⁴² CSO Sustainability Index for The Middle East and North Africa (2014-2015), p.19.

⁴³ CSO Sustainability Index for The Middle East and North Africa (2011), p. 14.

⁴⁴ CSO Sustainability Index for The Middle East and North Africa (2014-2015), p. 20.

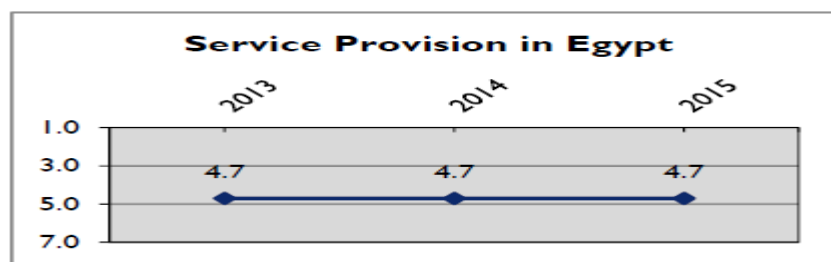


Figure 5

Source: CSO SUSTAINABILITY INDEX FOR THE MIDDLE EAST AND NORTH AFRICA (2014/2015)

Another aspect of misperception is the phenomenon of religionization of civil work in particular charitable work. A large number of grassroots associations have exploited civil action totally and mobilize their supporters. These associations follow directly or indirectly religious fundamentalist currents, creating popular bases of power, by providing charitable aid or through health services, the phenomenon is expressed as the "commodification of the poor", that is regarded as a commodity, managed to mobilize their votes in the elections, demonstrations and protests. It may be worth noting that thousands of civil society organizations that have been recorded after the revolution of January, the charities and religious, concentrated in Upper Egypt, and in the poorer provinces. Nearly 4,500 ECSOs have been recorded after a year and a half only of the January 2011 revolution, more than half (2600 organization) directly subordinate to the religious groups and currents, some of which have been proved to receive millions from some institutions in the Gulf states.⁴⁵

Absence of strategic thinking also negatively affects the cooperation and coordination among the different ECSOs. Vivid fragmentation and internal disparities and shortcomings of the ECSOs have undermined chances for collectivity in actions. Strains amongst religious and secular activists have brought about that every side stays dug in its separate position, rendering positive correspondence exceptionally troublesome. Also, corresponding allegations are communicated on control, the utilization of viciousness, an absence of authenticity, and belittling. None of the ECSOs has figured out how to verbalize a reliable vision for state-building, frustrated by political polarization fuelled by the need to secure places of force. The rift between different sectors of civil society, along the religious-secularist vector has resulted in disputes between the various sectors of civil society as well as secular and religious tankers which led an increasing division and a growing lack of trust between the different actors.⁴⁶ The mobilization of people and communities to cooperate in order to overcome common problems is usually not on the agenda of most of the ECSOs. The significant part of cooperation was led through alliances; nonetheless, the effect that these alliances have is still obscure and unfruitful. In spite of the fact that there are instances of solid collaboration, however cross-sectoral participation is constrained. In recent years, 'informal' networks and movements have been established where ECSOs have chosen to join for a specific period to advocate for an issue. Yet, leaving the network is an internal decision. This element is of high significance since, other than the ECSOs that are supporting the cause, a few other "transitory" networks and movements likewise make a move on the same issue, henceforth boosting the profitability and ground effect of a specific cause.⁴⁷ No longer after being united to achieve the common objective of toppling the regime, ECSOs are increasingly pitted against each other. Liberals and secularists seek to thwart the religious state; tribes, ethnic groups and regions seek to limit the powers of the central state; and Islamists seek to contain external actors while advocating for a strong and intrusive state. Therefore, objectives don't

⁴⁵ Ibid, P. 6

⁴⁶ McCants, Will, (2012) A New Salafi Politics. Foreign Policy Magazine.

⁴⁷ Civicus, Civil Society Index Report for the Arab Republic of Egypt, Cairo 2005

only differ between the different ECSOs but ideologies as well.

ECSOs have shown a lack of awareness concerning the variety of roles they can assume in the democratic transformation process, tending to prefer their watchdog and service delivery functions. They, therefore, overlook a range of other functions that they could engage in, such as protection, advocacy, providing expertise, civic education, social cohesion or facilitation. In failing to envisage the multiplicity of roles they could adopt, ECSOs demonstrate a deficiency in knowledge about different kinds of potential inclusion mechanisms in participatory processes. The deficiencies of the constitution-making process in Egypt are a strong case in point. Here, the mechanisms designed by the Constituent Assembly did not allow for a broad and systematic participation of the civil society, which consequently remained aloof rather than becoming contributing partners to the process.⁴⁸

No doubt that these different and conflicting ideologies secrete different and contradictory objectives which in turn, create public mistrust and loss of public support. While ECSOs have gone about as a unified front for the general population against past administrations, their present concentration tends to focus on particular issues concerning constitutional procedures and state-building. These encompass freedom of expression, freedom of affiliation, and constitution drafting which, however essential, is not really a requirement for the individuals. The solid concentration on constitutional and political mechanisms deciding access to authority has lessened the space to address the issues at the center of individuals' needs, to be specific unemployment, neediness and social justice, etc.⁴⁹ In this context, social and economic demands are set aside. Elite power politics on behalf of the majority of ECSOs is increasingly dominating the debate. They lack the due concern and debate over economic and social policies and tend to concentrate on mechanisms of power. The geographic circulation of ECSOs is not associated to social needs. Information demonstrates that the governorates with the most reduced rankings in the Human Development File have the least per capita share of ECSOs. Albeit Upper Egyptian governorates have a lower Human Development Index than the rest of Egypt, just 50% of the per capita share of ECSOs was situated in these governorates in 2007. The circumstance in Upper Egypt did not enhance after the January Revolution, but rather has just been further brought together, with Cairo eating into the per capita share of ECSOs in Upper Egypt in 2011 and after.⁵⁰ In spite of the expansive number of relationship (more than 40,000 in 2013), civil society is not for the most part associated with the general population's needs. For instance, gender equality associations serve in ranges where fundamental needs, for example, access to water or work are not being met. These associations exist to serve donors' agendas and deplete the global aid coming into Egypt. Sometimes, these associations go about as an administration expansion to offer public services, which gives a level of notoriety for the associations' pioneers in their groups and empower them to perform well in nearby local and parliamentary elections. This action has a tendency to keep up the continuation of the predominant political order in the society.⁵¹

Lack of Organizational Capacity

An organization can be considered as an arrangement of related segments that cooperate to accomplish a settled upon mission. Capacity building is one of the leading issues in the development of civil society organizations in developing

⁴⁸ Civil Society in Transition: Facing Current Challenges in Tunisia and Egypt, (2013), Graduate Institute of International and Development Studies, p. 2

⁴⁹ Ibid, p. 3

⁵⁰ Kamal, Mahmoud, (2014), Transforming Civil Society into a Social Movement, al-Shorouknewspaper, p. 6.

⁵¹ El Khawanky, Seif, (2013), Egyptian Civil Society: The Legacy of the Past and the Challenges of the Present, CIPE, <http://www.cipe.org>

countries especially transitioning countries. The organizational capacity addresses the ECSOs capacity to take part in constituencies' building and strategic planning, and also inward administration and staffing practices inside ECSOs. At last, this measurement takes a gander at the technical resources ECSOs have accessible for their work. Moreover, organizational capacity must be secured by financial support or viability. Elements affecting the monetary reasonability of the CSO segment incorporate the condition of the economy, the degree to which generosity and volunteerism are being supported in the domestic culture, and in addition the degree to which government acquisition and business income raising open doors are being produced. The advancement and predominance of raising support and solid budgetary administration abilities are additionally considered. All processes designed to increase the leadership ability, technical capacity and management capabilities of an organizational and individual are ability to assume their roles in society. Organizational capacity corresponds to the size of organizations and the nature of activities; it encompasses three main activities skills upgrading, procedural improvements, and organizational strengthening. ECSOs experience powerless institutional limits, in which terrible administration contrarily influences the general execution of ECSOs. These organizations are caught in degenerate practices because of an absence of interior and outer inspecting, and most associations don't hold fast to a positive vision or mission. ECSOs suffer from a relatively weak organizational capacity which in turn undermines the ability of ECSOs to raise funds from diverse sources.

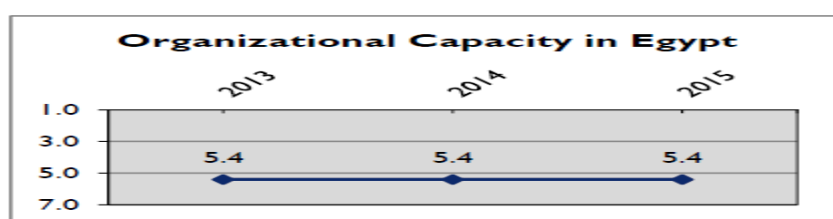


Figure 6

Source: CSO SUSTAINABILITY INDEX FOR THE MIDDLE EAST AND NORTH AFRICA (2014/2015)

In post revolution Egypt, numerous ECSOs, including little, community based ones, are more donor driven, executing the activities donors will bolster. In spite of their attention on acquiring donor financing, nevertheless, just a small number of ECSOs are really able to get to these funds. Since numerous associations don't basically address the needs of their constituencies, they have a tendency to have fragile connections with their constituents. While some ECSOs might have powerful leadership and relatively coherent organizational structures; however, they usually depend on skilled and qualified individuals to direct them. In many ECSOs, councils and committees' members can't perceive and recognize their expected roles and perform the due functions and operations. Moreover, corruption and nepotism are common. A small number of domestic ECSOs can keep up full-or part time employees, specifically in senior administration, due, to a limited extent, to restricted and sporadic funding and the draw of better paying, more steady employments with global associations. In 2011, Egypt hardly had training centers for civil society programs and activities. Thus, ECSOs think that it's hard to discover and hold staff with the required abilities and skills to manage or lead. Although the 25th of January Revolution catalyzed students and graduates to assume volunteer roles and work with ECSOs, many of the latter lack the sufficient human resource setup, procedures and practices to attract and recruit volunteers.⁵² Besides, there was a big gap between the organizational capacities of ECSOs in rural areas versus those in urban areas. Urban ECSOs have access to

⁵²CSO Sustainability Index for The Middle East and North Africa (2011), pp. 11-12.

more qualified staff and have chances to participate with a more prominent number of different associations. ECSOs in rural areas don't have similar chances. In addition, although in 2012, numerous ECSOs started to launch capacity building programs in various fields, there is a deficiency of both prepared specialized staff and volunteers. Most people working for or volunteering with ECSOs are inadequate and untrained. Besides, due to the irregular organized general assembly meetings, transparency and accountability are missing making those in charge devoid of responsibility. Strategic planning keeps on representing a noteworthy challenge for a large number of ECSOs. Once more, larger ECSOs probably have all around visions, missions, and key arrangements, however the degree to which they hold fast to them differs. Smaller and medium-sized associations, which speak to around 80 percent of ECSOs, frequently battle to define these apparatuses by any means. Law 84 may contribute fairly to many ECSOs' absence of vision and mission by urging them to enlist with an arrangement of random purposes. Numerous ECSOs looking to enlist under Law 84 of 2002 trusting that expansion of purposes could upgrade their odds of securing enrollment set forward a number of regions of intrigue as opposed to clear and very much characterized visions or statements of purpose. Most ECSOs battle with participatory internal administration paying little heed to whether they have created overseeing structures. ECSOs' boards of directors and general assembly rarely and hardly have an interest widely in administration or deciding authoritative arrangements, policies and plans. Rather, the directors of the board, without much oversight and responsibility, regularly lead the pack in running the association. Few ECSOs have regulated themselves as genuine and vote based associations.⁵³

Another interrelated pillar which secures the ECSOs sustainability is the financial capacity or viability. Financial capacity refers to the ability of ECSOs to generate income and funds from donors to perform their function in the advocacy and service provision. With regards to ECSOs' funding issue, these organizations depend on foreign and internal donors which most of the times include leaders of these organizations. Due to this fact, ECSOs lack independence as, for sure, these organizations would be donors driven or in other words, donors' agenda oriented and committed. This dichotomy created a very big debate about the loyalty of the ECSOs, is it directed to the Egyptian state or to the donors? A large percentage of ECSOs operate with short-term and inconsistent funding as it totally depends on the donors desires and their agendas. There is generally no vivid division of jobs between the money related officer, bookkeeper, and accountant and every money related choice and significant marks are regularly in the hands of very few individuals. In addition, Law 84 of 2002 states that no ECSO has the privilege to get cash from abroad, an Egyptian or outside individual or bodies, or a nearby agent without earlier approval from Ministry of Social Solidarity which would entail opportunities for corruption. Moreover, ECSOs are lawfully required to keep up budgetary records. Nevertheless, numerous associations lack transparency or underestimate the significance of working in a straightforward way. Small and medium-sized associations lack a sound money related administration hones because of frail general gatherings and the absence of expert inspectors. Now and again these associations turn to utilizing representatives of the Ministry of Social Solidarity to control and supervise their records. In 2012, ECSOs trust that remote financing levels declined due to the campaign against foreign CSOs, and in addition to the political turmoil in the nation. In 2013 the financial viability of the sector deteriorated as obstacles and difficulties considering funds receiving increased. ECSOs which received foreign aids and donations are viewed with an eye of suspicion. ECSOs' financial viability stayed shaky in 2014 and intensified to some degree in 2015. The legislature forced new obstructions on outside financing for ECSOs in 2014 and 2015. Under Law 84, enlisted NGOs have dependably needed to get earlier endorsement from the Ministry of Social Solidarity before they could get funds from

⁵³ CSO Sustainability Index for The Middle East and North Africa (2014-2015), *ibid*, pp. 16-17.

outside Egypt, which in turn required clearance by security related authorities.⁵⁴ In addition, the newly approved law by the House of Representatives in mid-November 2016, restricts the ECSOs, in terms of access to funding sources, either foreign or domestic, where Article XIII states that in the event that the association wanted to get financing, grants and donations from Egyptians living in Egypt, it shall notify the Ministry of Social Solidarity duration of thirty days before receiving the funds. Article forty-eighth of the law, the third item necessitates the need to obtain permission from the committee formed by decision of the Prime Minister in order to receive funding from abroad, whatever their nature, which is a restriction on the associations in receipt of funds where the Commission can block the activities of the associations through preventing permissions to receive donations from foreign organizations or their representatives inside the country.

CONCLUSIONS

While Egypt's civil society should be treated like a partner with the state for reform and progress, facts represent evidences against this. These facts aren't only state driven facts but ECSOs' as well. In other words, impediments against this partnership aren't only external but internal too. ECSOs don't only face political and legal challenges but also they face difficulties in the due perception of their assumed roles in the Egyptian society and the organizational and financial capacities. No doubt that the restrictive political and legal environment, represented in the tightened grip of the state and sequent laws (Law 84/2002 and the newly enacted law November 2016) relating to the establishment funding and freedom of the civil society organizations led to ineffective civil society in Egypt. However, this ineffectiveness couldn't be only attributed to the previous external factors as internal factors relating to the ECSOs themselves manifested this ineffectiveness as well. The absence of strategic thinking and planning, misperception of roles and the associated insufficient focus on people's economic and social needs, strong divisions within civil society and lack of collective action are internal factors which show that the ECSOs represent separate, secluded and isolated islands not only among themselves but also between them and the society as a whole. Establishing communication networks is still immature; most coalitions and alliances among human rights associations in Egypt are still informal. Preconditions for framing systems are as yet missing by and large. The primary element of civil society is the absence of coordination and networking among ECSOs, in this way debilitating their roles. Moreover, some inner difficulties confronted by ECSOs are uncertainty of the targets and their assortment in their missions, frail fair practices inside the associations, workers' feeble specialized limits and the resulting low level of trust of people in general in civil society organizations, all of which confine ECSOs capacities to influence administrative arrangements. On another level, ECSOs rarely assess and measure the general effect of their work. When they do, assessment results are rarely utilized as a part of setting future techniques. This is also the missing future vision due to budgetary troubles that influence the capacity of assessing accomplishments. ECSOs limits as directing elements for government and the private areas are still exceptionally constrained.

What should be done? As previously mentioned, civil society organizations are indispensable for democratization; therefore in assuming their roles and performing their functions, both the state and the CSOs must consider that they are partners who should cooperate for the prosperity and welfare of their societies. So, the issue here is partnership not antagonism or enmity. The state needs the CSOs to fill the gap of functions that should be performed by the state and to be the channel between the state and citizens. On the other hand, the CSOs need the state to organize, enact laws that identify their rights and obligations and endorse them physically and financially. So, it is a matter of synergy not of conflict. To enhance this view, recommendations, here, are directed to the state on the one hand and the ECSOs on the

⁵⁴ Ibid, p.17.

other.

As the state represents power and authority, state oriented recommendations start with the ideas of perception and containment. The state must perceive that it critically requires the existence of the civil society as it can never by itself satisfy the basic needs and demands (economic, health, education, social and cultural) of all of its citizenry. There must be some assisting non-governmental organizations that could help it in this field. These organisations are engaged in varied activities ranging from providing services to those in need (including themselves); they complement and supplement government. Moreover, the state requires these organizations because they endorse the political roles of the state and assist in the policy and decision making processes. CSOs represent one of the channels through which citizens can express their opinions, views and suggestions concerning political issues. Allocation of these opinions and suggestions and inserting them in the policy and decisions making processes is an important role of the CSOs. Another significant political function which CSOs can perform is building and consolidating democracy. The mission of civil society organizations is not restricted to participate in policy or decision making processes, rather it needs to weight itself with another errand, that of democratization. This role expects considerably more noteworthy significance in societies that are encountering a transformation process, for example, Egypt. Transformation requires cultural change and developing democratic values and principles. This is a basic task of civil society through the political and legal awareness programs it can execute. Democracy is not an arrangement of methodology, rather it is a thorough comprehensive framework that has procedural, social and value measurements. The connection between the state and CSOs is primarily one of synergy, trust, inter-dependence and a distribution of roles and not a relationship of conflicting interests.

With regards to ECSOs directed recommendations, various proposals and suggestions are offered by interested stakeholders. Concerning the relation with the state, ECSOs must perceive that they are partners with the state not supervisors of state's policies and actions. Because most of the ECSOs are funded by foreign donors who divert the ECSOs towards their agenda, the role of supervisor assumed by the ECSOs will be considered a sort of violation of the state sovereignty and hence will be treated accordingly. Moreover, the ECSOs, as intermediary organizations between the state and citizens can represent the interests of citizens in an organized manner and enable the state to avoid chaos of undisciplined participation of citizens. With regards to citizens' economic and social needs and demands, ECSOs must focus on economic and social policies to improve the living conditions of citizens rather than constitutional processes and mechanisms of power and authority. About 27.8 per cent of the Egyptian population is currently living below the poverty line, according to a Central Agency for Public Mobilization and Statistics (CAPMAS) survey addressing income and expenditures in 2015. As previously mentioned, concentrating and intensive existence in urban areas rather than rural areas which critically need the interest and care of the ECSOs must be balanced or even biased towards rural areas. In terms of communication among ECSOs, these organizations should endorse integration and collectivism in their actions. They should, collectively in accordance to their fields, support common strategies, inclusive decision making mechanisms and establishing strong networks that facilitate and enhance opinions and views exchange. Concerning their organizational capacity, ECSOs should establish coherent organizational structures based on transparency, accountability and democracy. These organizations must not be leaders' interests oriented but objectives oriented. ECSOs must build and consolidate their organizational capacity as this will enable them to perform their role; this would require a comprehensive capacity building strategy to be applied by these organizations under the supervision and administration of specialized institutions. ECSOs can borrow and benefit from successful examples of CSOs in developed countries. With regards to financial capacity; it is well known that ECSOs are donations based organizations; they are non-profitable organizations which can't by

themselves generate funds to perform their activities. Hence, these organizations are dependent on domestic or foreign donations. In this concern, ECSOs are asked to encourage dialogues with domestic and foreign donors, avoid doing anything that shows divisions among them, and clearly identify their economic and social programs and show allocation of the required funds to the required actions.

All the previously mentioned recommendations must be the base for setting a vital vision with respect to the future of civil society organizations in Egypt. There is a critical requirement for two basic matters, first, reformulating the relationship between the state and civil society through changing the legal framework that controls this relationship and enact laws that consider the independence and self-governance of these organizations permitting them to viably add to creating society through various impetuses. Consequently, a transparent system is to be established and consolidated hence, allows the ECSO to find the lost identity.

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